

### **REMARKS**

In response to the Office Action dated November 28, 2008, claims 1 and 11 have been amended. Therefore, claims 1-4, 8, 10-14, 16, 17, 19-26, 28, and 30 remain in the case. In light of the amendments and arguments set forth herein, reexamination and reconsideration of the application are requested.

#### **Summary of Applicant-Initiated Interview**

On February 27, 2009, the Applicants' attorney, Craig Fischer, conducted a telephonic interview with Primary Examiner Peter-Anthony Pappas. The Applicants wish to thank the Examiner for taking the time to discuss the subject application in an interview setting.

During the interview, Examiner Pappas and Mr. Fischer discussed the rejections of independent claims 1 and 11 under 35 U.S.C. § 101. Moreover, possible amendments that may overcome the rejections were discussed. However, no agreement was reached.

#### **Allowable Subject Matter**

The Applicants acknowledge and appreciate the allowance of claims 10, 19-26, 28, and 30.

The Office Action stated that claims 1-4, 8, 11-14, 16, and 17 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §101 set for in the Office Action.

In response, the Applicants note that independent claims 1 and 11 have been amended to overcome the rejections under 35 U.S.C. §101. Therefore, the Applicants submit that claims 1 and 11 and their dependent claims 2-4, 8, 12-14, 16 and 17 are now in condition for immediate allowance.

#### **Drawing Objections**

The Office Action objected to FIGS. 4 and 7 in the application. In particular, in Office Action stated that new “corrected drawings of Figs. 4 and 7 in compliance with 37 CFR 1.121(d) are required in this application because a majority of said drawings text and numbers are illegible.”

In response, the Applicants have submitted herewith replacement sheets for FIG. 4 and 7. The Applicants believe that these replacement drawings are in compliance with 37 CFR 1.121(d) and contain drawing changes sufficient to overcome the drawing objections. If this is not the case, the Applicants invite the Examiner to contact the Applicants’ attorney at the telephone number listed below.

#### Section 101 Rejections

The Office Action rejected claims 1-4, 8, 11-14, 16, and 17 under 35 U.S.C. § 101 because the “claimed invention is directed to non-statutory subject matter.”

In response, and as suggested by the Examiner in the telephonic interview noted above, the Applicants have amended independent claims 1 and 11. In particular, amended independent claim 1 now recites a computer-implemented method where the process actions of defining a vertex cache, determining that a first vertex of the rendering data has already been transformed, converting the vertices, performing view frustum clipping, transforming vertices, and continuing to store vertices are performed on a processing unit of the computer. Amended claim 11 now recites a process for transforming and lighting rendering data where the process actions of inputting rendering data, converting the vertices, transforming vertices, culling a transformed vertex, and lighting each of the transformed vertices are performed on a processing unit.

Thus, the Applicants maintain that amended independent claims 1 and 11 now tie the method (or process) to its corresponding apparatus (the processing unit), and thus is statutory subject matter.

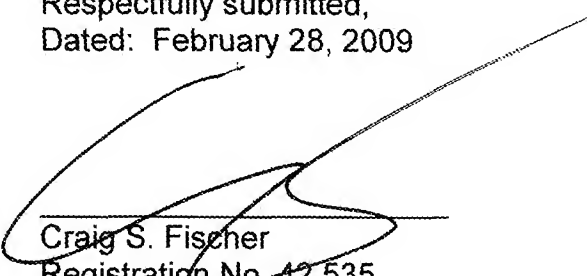
Accordingly, the Applicants respectfully submit that amended independent claims 1 and 11 are patentable under 35 U.S.C. § 101 based on the amendments to claims 1 and 11, and the legal and technical arguments set forth above and below. Moreover, claims 2-4 and 8 depend from amended independent claim 1, and claims 12-14, 16, and 17 depend from amended independent claim 11, and thus are also statutory under 35 U.S.C. § 101 (MPEP § 2143.03). The Applicants, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claims 1-4, 8, 11-14, 16, and 17 under 35 U.S.C. § 101.

### Conclusion

In view of the amendments to claims 1 and 11 and the arguments set forth above, the Applicants submit that pending claims 1-4, 8, 10-14, 16, 17, 19-26, 28, and 30 are in condition for immediate allowance. The Examiner, therefore, is respectfully requested to withdraw the outstanding rejections of the claims and to pass each of the pending claims of this application to issue.

In an effort to expedite and further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (805) 278-8855 if the Examiner has any comments, questions or concerns, wishes to discuss any aspect of the prosecution of this application, or desires any degree of clarification of this response.

Respectfully submitted,  
Dated: February 28, 2009



Craig S. Fischer  
Registration No. 42,535  
Attorney for Applicants

LYON & HARR, L.L.P.  
300 East Esplanade Drive, Suite 800

Oxnard, CA 93036-1274

Tel: (805) 278-8855

Fax: (805) 278-8064